REMARKS

Claim Status

Claims 1-39 and 41-59 are pending in the present application. Dependent claims 50-59 are newly presented.

Claims 1, 29 and 48 are amended without prejudice to variously recite an electronic processor. Claims 1 and 17 are amended without prejudice to recite the phrase "without reference to a copy count".

Claims 6, 14, 17, 39, 47 and 48 are also amended without prejudice.

Art-based Rejections:

Claims 1-5, 7-17, 39, 41-42 and 45-48 are rejected as being anticipated[1] by U.S. Patent No. 6,836,844 ("Kori 844"). Claims 18-28, 32-33 and 36-38 are rejected as being anticipated under §102(e) over 6,687,802 ("Kori 802"). Claim 6 is rejected as being unpatentable over Kori 844 in view of US 2001-0042043 A1 ("Shear"). Claims 29-31 are rejected as being unpatentable over Kori 802 in view of Shear. Claims 34-35 are rejected as being unpatentable over Kori 802 in view of Ton Kalker's "System image…." ("Kalker").

We respectfully traverse these rejections.

Claim 18 in view of Kori 802

Claim 18 recites – in combination with other features – analyzing first media content buffered in the output buffer; analyzing second media content buffered in the input buffer; and comparing the first media content buffered in the output buffer with the second media content buffered in the input buffer, wherein a copy operation is modified or disabled when the first media content and the second media content match or otherwise coincide.

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[1] The Office Action uses the term "unpatentable".   Although this term is usually used in an §103 rejection, we believe the Examiner intended to give an "anticipation" rejection under §102 since the Examiner quotes 35 U.S.C. §102(e). See the Office Action, page 3.

The Office Action cites Kori 802 at Fig. 12 (and related text) to meet the features of claim 12. See the Office Action at pages 13-14. In particular, the Office Action cites Kori's Col. 82, lines 8-12 for the recited comparing features. This passage is reproduced below for the Examiner's convenience.

> *The control section 520 compares the contents ID from the contents ID detection section 512 with the contents IDs stored in the copying history information management memory 522 to search for the contents ID same as the contents ID of the audio signal instructed to be copied by the user (step S306).*

But this passage says nothing about comparing first media content *buffered* in an output buffer with second media content *buffered* in an input buffer. Thus, Kori 802 fails to establish a *prima facie* case of obviousness since it lacks each and every element of claim 18 arranged as claimed.

Claim 18 should be allowed over Kori 802.

Claim 33 in view of Kori 802

Claim 33 recites – in combination with other features – comparing first media content buffered in an output buffer to second media content buffered in an input buffer through correlation of the first media content with the second media content.

The Office Action cites Kori 802 at Fig. 12 (and related text) to meet the features of claim 12. See the Office Action at pages 13-14. In particular, the Office Action cites Kori's Col. 82, lines 8-12 for these comparing features (quoted above).

But this passage says nothing about comparing first media content *buffered* in an output buffer with second media content *buffered* in an input buffer. Thus, Kori 802 fails to establish a *prima facie* case of obviousness since it lacks each and every element of claim 33 arranged as claimed.

Claim 33 should be allowed over Kori 802.

Claim 39 in view of Kori 844

Claim 39 recites – in combination with other features – determining which out of a plurality of copy control systems applies to protected media content, said protected media content comprises a digital watermark embedded in the media content according to an embedding key, said determining determines which out of a plurality of copy control systems applies to the protected media content based on the embedding key; and controlling with at least a configured multi-purpose electronic processor the protected media content according to a determined copy control system.

The watermark key is an embedding key, i.e., a digital watermark embedded in media content according to the embedding key.

The cited Kori 844 passages – at best – discuss information contained in the watermark payload ("the controller 40 references the CGMS information in the electronic watermark ….").

Thus, the cited passages do not have each and every feature of claim 39 including determining which out of a plurality of copy control systems applies to the protected media content based on a watermark embedding key.

Claim 39 should be allowed over Kori 844.

Claim 48 in view of Kori 844

Claim 48 recites – in combination with other features – a digital watermark embedded therein according to a watermark key, said digital watermark comprising a payload *which is separate from the watermark key*. The method includes determining which out of a plurality of <u>copy control states</u> should govern the protected media content by reference to the <u>watermark key</u>, and determining which out of a plurality of <u>copy control systems</u> the media content should be handled by reference to the <u>watermark payload</u>.

So a copy control state is determined by reference to a *watermark key*, and a copy control system is determine with reference to the *watermark payload*.

The Office Action cites to Kori's description of information carried in a watermark payload (CGMS information) to read on the watermark key. We disagree.

For example, claim 48 recites both a watermark key and a watermark payload. The watermark key and the watermark payload are separate.

Thus, the cited passages do not have each and every feature of claim 48 as arranged therein.

Claim 48 should be allowed over Kori 844.

Claims 1 and 17 in view of Kori 844

Claims 1 and 17 various recite – in combination with other features – if a content identifier is found in a data repository, modifying or disabling a copy function *without reference to a copy count.*

The cited Kori 844 passage (Col. 11) first determines a remaining copy permitted count before invoking a copy function. See Kori 844, Col. 11, lines 21-28. In contrast, claim 1 recites, if the identifier is found in the data repository, modifying or disabling a copy function *without reference to a copy count.*

Claim 1 should be allowed over Kori 844.

Remaining claims

The Examiner is respectfully invited to reconsider the remaining claims as well.

Conclusion

We look forward to our upcoming interview. In the meantime, the Examiner is invited to telephone the undersigned at 503-469-4685 with any questions.

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